

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION

) MDL No. 1917

) Case No. 07-cv-5944 JST

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This Order Relates To:

All Direct Purchaser Actions  
\_\_\_\_\_

) **ORDER REQUIRING**  
) **APPLICATION FOR ENTRY OF**  
) **DEFAULT RE IRICO ENTITIES**

On June 28, 2016, the Court ordered any plaintiff in this consolidated MDL with claims against defendants Irico Display Devices Co., Ltd. and Irico Group Corporation (the “Irico Entities”) to advise the Court in writing by July 5, 2016 of the following: (1) the date on which it filed its operative claims against the Irico Entities; (2) whether the Irico Entities have been served with those claims; and (3) whether the Irico Entities have answered those claims. ECF No. 4694. If the answer to the third question was negative, the filing party was ordered to show cause why it had not requested entry of default. Id.

On July 5, 2016, the Direct Purchaser Plaintiffs (“DPPs”) filed a response, indicating that they had filed and served claims against the Irico Entities, and that the Irico Entities had not answered those claims, but that the DPPs had not sought entry of default. They stated, “At present, it would be premature for DPPs to seek a default judgment against the Irico Entities.” ECF No. 4705 at 1.

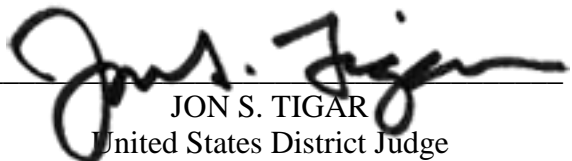
The DPPs are conflating entry of *default* with entry of *default judgment*. “The two concepts are distinct and must be treated separately.” United States v. Topeka Livestock Auction, Inc., 392 F. Supp. 944, 950 (N.D. Ind. 1975). The first is a ministerial act by the clerk of the court once a

1 party has satisfied the requirements of Rule 55(a); the second usually requires (and in this case will  
2 require) action by the court. Fed. R. Civ. P. 55(b). “Damages must be fixed before an entry of  
3 default can become a default judgment[.]” 10A Charles Alan Wright, et al., Federal Practice &  
4 Procedure § 2682 (3d ed. 1998) (footnotes omitted).

5 There is no reason the DPPs cannot seek entry of default pursuant to Rule 55(a). They are  
6 ordered to do so within ten days of this order.

7 IT IS SO ORDERED.

8 Dated: July 6, 2016

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11 JON S. TIGAR  
12 United States District Judge  
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